HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.8241 of 2006

Dt.24.4.2006

Between:

Shaik Babu … Petitioner

And

The Municipal Corporation of Nizamabad,

Rep. By its Municipal Commissioner

…Respondent

ORDER:

Petitioner questions the action of the respondent authority in threatening to evict the petitioner from the tea stall and pan shop which is running in the name and style of M/s.Shaik Babu Tea Stall and Pan Shop, situated at Suresh Jaju Hospital, Hyderabad Road, Nizamabad, as illegal and arbitrary.

The petitioner is running a tea stall and pan shop in an area of

approximately 30 sq.yards in the land of the respondent Corporation since 2001. It is stated that the petitioner is paying the tax of an amount of Rs.505/- for permitting the petitioner to run the said tea stall and pan shop in the said premises. It is stated that the petitioner is neither encroacher nor unauthorized occupier of the said land, but after taking permission the petitioner is carrying out the said business. It is stated that the respondent Corporation without giving any notice and without giving reasonable opportunity threatening to evict the petitioner from the said tea stall and pan shop.

Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent Corporation.

I am not inclined to express any opinion on the merits of the case whether the petitioner was permitted to run the said tea stall and pan shop and whether the petitioner is only an encroacher of the said land and running the tea stall. But, however, for any reason, the petitioner is not entitled to continue in possession of the said land, it is always open for the respondent to issue appropriate notice calling upon the petitioner as to why he shall not be dispossessed and thereafter take appropriate action in accordance with law.

The writ petition is accordingly disposed of with a direction to the respondent not to evict the petitioner from the land in question without following the due process of law. No costs.

V.ESWARAIAH, J.

24.4.2006

Note: Issue copy within two days

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